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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,327	10/23/2003	Katsuhiko Hara	CANO:095	8600
37013 7590 05/09/2008 ROSSI, KIMMS & McDOWELL LLP. P.O. BOX 826 ASHBURN, VA 20146-0826			EXAMINER GARCIA, GABRIEL I	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/09/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/692,327	<b>Applicant(s)</b> HARA, KATSUHIKO	
	<b>Examiner</b> GABRIEL I. GARCIA	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9,10,14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/23/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **Part III DETAILED ACTION**

1. This application has been examined. Claims 1-15 are pending in this application. Applicant's election of species (1) - Claims 1-3, 6-8 and 11-13 in the reply filed on 3/4/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 4-5,9-10 and 14-15 are withdrawn from consideration by the Examiner.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno (7,154,617) in view of Holmstead (2004/0024844 A1).

With regard to claim 1, Ikeno teaches an image processing apparatus (fig. 2, item 617 or 819) comprising: a communication device (202) that communicates with a plurality of information processing apparatuses (e.g. fig. 2,4,5 or 6); a storage device (222, see also fig. 34) ) that stores at least one of print job transmitted from at least one of the plurality of information processing apparatuses (reads on fig. 2, which depicts how a host computer can send a print job to a multipurpose machine or printer); a determination device operable when a download start request for resource data has been received by said communication device from one of a plurality of information processing apparatuses (see fig. 34), and control device (213) operable to control the communication device to inform one of the plurality that downloading of the resource data is not possible (see fig. 35).

Ikeno fails to teach to determine whether **a print job received** by said communication device from at least one of the plurality of information processing apparatuses **exists in said storage device**; and a control device operable when the received print job exists in said storage device.

However, Holmstead (in the same field of endeavour “network printing”) teaches that it is well known in the art at the time of the invention to determine whether **a print job received** by said communication device from at least one of the plurality of information processing apparatuses **exists in said storage device** ; and a control device operable when the received print job exists in said storage device (**see fig. 4**).

Therefore, it would have been obvious to one of ordinary skill in the art to provide the information processing apparatus of Ikeno with the additional means for determining the print job exists within the storage in order to download the resources only when the print job is not stored in the local memory as suggested by Holmstead in fig. 4, allowing the system of Ikeno to receive download resources to the image processing apparatus only when the print job is not stored within the apparatus, thereby, reducing the amount of

data transfer between devices.

With regard to claim 2, the limitations of claim 1 are covered by the limitations of claim 1 above.

With regard to claim 3, Ikeno further teaches the communication device has informed one of the plurality of information processing apparatus that downloading of the resource is not possible, and the control device controls said communication device so as not to receive another print job (e.g. see abstract).

With regard to claims 6-8, the limitations of claims 6-8 are covered by the limitations of Claims 1-3 above.

With regard to the computer readable medium claims 11-13, the limitations of claims 11-13 are covered by the limitations of claims 1-3 above. One of ordinary skill in the art will appreciate the matter in which the device as taught by the combination of Ikeno and Holmstead can be program to execute the instruction and steps as taught above.

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Simpson et al. (2003/0225726) teaches a mechanism for sharing web based imaging information from a mainframe computing environment.

Ikeno (2003/0011816) teaches an information processing apparatus and printing system using a downloader.

Parry (7,239,409) teaches a remote access to print job retention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner of Art Unit 2625

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**Gabriel I. Garcia**  
**Primary Examiner**  
May 7, 2008